

Ordinance No: 15-31  
Zoning Text Amendment No: 04-17  
Concerning: RNC zone – Rural Open Space  
Requirements  
Draft No. & Date: 2 – 10/26/04  
Introduced: July 27, 2004  
Public Hearing: 9/14/04; 7:30 PM  
Adopted: October 26, 2004  
Effective: November 15, 2004

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: District Council at the request of the Planning Board

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- clarifying the intent and purpose of the RNC Zone including the rural open space requirements.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-9	“AGRICULTURAL ZONES”
Section 59-C-9.2.	“Purposes or intent of the zones”
Section 59-C-9.3	“Land uses”
Section 59-C-9.57	“Special regulations for development in the Rural Neighborhood Cluster zone.”

**EXPLANATION:** **Boldface** indicates a heading or a defined term.  
Underlining indicates text that is added to existing laws  
by the original text amendment.  
[Single boldface brackets] indicate text that is deleted from  
existing law by the original text amendment.  
Double underlining indicates text that is added to the text  
amendment by amendment.  
[[Double boldface brackets]] indicate text that is deleted  
from the text amendment by amendment.  
\* \* \* indicates existing law unaffected by the text amendment.

## OPINION

Zoning Text Amendment No. 04-17 was introduced on July 27, 2004 for the purpose of clarifying the intent and purpose of the Rural Neighborhood Cluster Zone including the rural open space requirements. The amendment was developed in response to concerns raised during the Council's review of the Upper Rock Creek Master Plan.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved as introduced with a minor change to emphasize that new development must be compatible with existing development in adjoining communities.

The County Council held a public hearing on September 14, 2004, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held worksessions on September 27, October 4, October 11, and October 18, 2004 to review the amendment. The Committee accepted the Planning Board's recommendations to clarify the intent of the zone (to preserve environmentally sensitive resources as well as open space and rural community character), to define contiguous open space, to strengthen the language regarding the Planning Board's review of lot diversity and compatibility, to indicate that rural open space must be preserved by dedication to parkland or by application of an easement or covenant, and to clarify how rural open space is calculated.

The Committee amended the zone to indicate more clearly that open space must be preserved in perpetuity, to provide the Planning Board with the discretion to allow stormwater management facilities in the rural open space if the location and appearance is consistent with the general intent of the RNC zone and with the policy and guidance of the relevant master plan for use of the open space, and to clarify that the only recreational facilities allowed in the rural open space are trails and related amenities or other facilities recommended in the master plan. The Committee also added language to clarify that the master plans must specify density to be allowed under the optional method of development and the location and rationale for rural open space.

The District Council reviewed Zoning Text Amendment No. 04-17 at a worksession held on October 26, 2004, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 04-17 will be approved as amended.

*ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Sec. 1. DIVISION 59-C-9 is amended as follows:**

**DIVISION 59-C-9. AGRICULTURAL ZONES.**

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**Sec. 59-C-9.2. Purposes or intent of the zones.**

\* \* \*

**59-C-9.23.1. Intent of the Rural Neighborhood Cluster zone.**

The intent of the Rural Neighborhood Cluster zone is to preserve open land, environmentally sensitive natural resources [areas] and rural community character that would be lost under conventional, large-lot development. This would be accomplished by requiring clusters of residential development in the form of small neighborhoods that provide neighborhood identity in an open space setting.

It is further the intent of this zone to implement the recommendations of the relevant master plan, such as maintaining broad vistas of open space, [and] preserving [the natural features and] agrarian character or preserving environmentally sensitive natural resources to the maximum extent possible, and to ensure that new development is in harmony with the policies and guidelines of the relevant master plan and is compatible with existing development in adjoining communities.

In order to accomplish the intent of the Rural Neighborhood Cluster zone, no land must be classified in this zone unless the land is within an area for which there is an approved and adopted master or sector plan which recommends application of the Rural Neighborhood Cluster zone. Master plans that recommend the Rural Neighborhood Cluster zone must provide development guidelines and recommendations regarding the density of development in the optional method of development, and the location and rationale for preserving the rural open space.

**59-C-9.3. Land uses.**

No use is allowed except as indicated in the following table:

- **Permitted uses.** Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.
- **Special exception uses.** Uses designated by the letters "SE" may be authorized as special exceptions, in accordance with the provisions of Article 59-G.

	<b>Rural</b>	<b>RC</b>	<b>LDRC</b>	<b>RDT</b>	<b>RS</b>	<b>RNC</b>
<b>(a) Agricultural:</b>						
Agricultural processing, primary						P
Equestrian facility. <sup>41</sup>	P/SE	P/SE	P/SE	P/SE	P/SE	P/SE <sup>2</sup>
Farm. <sup>1</sup>	P	P	P	P	P	P
Fish hatchery.	P	P	P	P	P	
Other agricultural use.	P	P	P	P	P	P
<b>(b) Agricultural-Industrial:</b>						
Abattoir.	SE	SE <sup>2</sup>	SE <sup>2</sup>	SE		
Agricultural processing. <sup>36</sup>	SE	SE <sup>2</sup>	SE <sup>2</sup>	SE	SE	
Construction Debris Reclamation Facility.					P	
Contractors storage yard <sup>28</sup> (existing)					P	

	<b>Rural</b>	<b>RC</b>	<b>LDRC</b>	<b>RDT</b>	<b>RS</b>	<b>RNC</b>
Grain elevator. <sup>36</sup>	SE	SE <sup>2</sup>	SE <sup>2</sup>	SE	SE	
Manufacture of light sheet metal products. <sup>28</sup> (existing)					P	
Manufacture of mulch and composting.	SE	SE <sup>2</sup>	SE <sup>2</sup>	SE	SE	
Milk plant. <sup>37</sup>	SE	SE <sup>2</sup>	SE <sup>2</sup>	SE		
Sawmill.	SE	SE <sup>2</sup>	SE <sup>2</sup>	SE		
Storage for recycling of building or construction materials. <sup>28</sup> (existing)					P	
Winery. <sup>38</sup>	SE/P	SE/P	SE/P	SE/P	SE/P	SE <sup>2</sup>
Wood product and furniture manufacturing. <sup>28</sup> (existing)					P	
<b>(c) Agricultural-Commercial:</b>						
Blacksmith. <sup>4</sup>	SE	SE <sup>2</sup>	SE <sup>2</sup>	SE	P	P <sup>2</sup>
Christmas tree sales between December 5 and 25.	P	P	P	P	P	P <sup>2</sup>
Country market.	SE	SE	SE	SE	P	SE <sup>2</sup>
Farm market. <sup>5</sup>	P	P	P	P	P	P <sup>2</sup>
Landscape contractor. <sup>3, 2</sup>	SE	SE	SE	SE	P	SE <sup>2</sup>
Nursery, horticultural - retail. <sup>1,3</sup>	SE	SE	SE	SE	P	SE <sup>2</sup>

	<b>Rural</b>	<b>RC</b>	<b>LDRC</b>	<b>RDT</b>	<b>RS</b>	<b>RNC</b>
Nursery, horticultural - wholesale. <sup>1,3</sup>	SE	SE <sup>2</sup>	SE <sup>2</sup>	SE	P	SE <sup>2</sup>
<b>(d) Resource Production and Extraction:<sup>2</sup></b>						
Rock or stone quarry, as a temporary use.	SE	SE	SE	SE		
Sand, gravel or clay pit, or extraction of other natural materials, as a temporary use.	SE	SE	SE	SE		
<b>(e) Residential:<sup>2</sup></b>						
Accessory apartment. <sup>6,7</sup>	SE	SE	SE	SE		SE
Accessory dwelling. <sup>7</sup>	SE	SE	SE	SE	SE	SE
Accessory dwelling for agricultural workers. <sup>42</sup>				P		
Bed-and-breakfast lodging with one or 2 guest rooms. <sup>31</sup>	P	P	P	P	P	P
Bed-and-breakfast lodging with 3, 4 or 5 guest rooms. <sup>18</sup>	SE	SE	SE	SE	P	SE
Dwelling, one-family detached.	P	P	P	P	P	P
Farm tenant dwelling. <sup>8</sup>	P	P	P	P		P
Farm tenant mobile home, more than one but less than 4. <sup>8</sup>	SE	SE	SE	SE		SE
Group home, small.	P	P	P	P	P	P
Group home, large. <sup>15</sup>	SE	SE	SE	SE	SE	SE

	<b>Rural</b>	<b>RC</b>	<b>LDRC</b>	<b>RDT</b>	<b>RS</b>	<b>RNC</b>
Guest house, as accessory use. <sup>8</sup>	P	P	P	P	P	P
Guest rooms, for not more than 2 roomers in any dwelling unit.	P	P	P	P	P	P
Housing and related facilities for senior adults or persons with disabilities.	SE	SE	SE		SE	SE
Life care facility.	SE	SE	SE			SE
Mobile home, double-wide. <sup>9</sup>	P	P	P	P	P	P
Registered living unit. <sup>6,20</sup>	P	P	P	P	P	P
<b>(f) Transportation, Communication and Utilities:</b>						
Airstrip, associated with farm.		SE <sup>2</sup>	SE	SE		
Cable communication system. <sup>10</sup>	SE	SE	SE	SE	SE	SE
Electric power transmission and distribution line, overhead, carrying more than 69,000 volts.	SE	SE	SE	SE	SE	SE
Electric power transmission and distribution line, overhead, carrying 69,000 volts or less.	P	P	P	P	P	P
Electric power transmission and distribution line, underground.	P	P	P	P	P	P
Helistop.	SE	SE <sup>2,11</sup>	SE <sup>2,11</sup>	SE <sup>11</sup>		
Parking of motor vehicles, off-street, in connection with any use permitted.	P	P	P	P	P	P



	<b>Rural</b>	<b>RC</b>	<b>LDRC</b>	<b>RDT</b>	<b>RS</b>	<b>RNC</b>
Parking of motor vehicles, off-street, in connection with commercial uses.	P <sup>39</sup>			P <sup>39</sup>		
Pipeline, aboveground.	SE	SE	SE	SE	SE	
Pipeline, underground.	P	P	P	P	P	P
Public utility buildings, public utility structures, and telecommunication facilities. <sup>33</sup>	SE	SE	SE	SE	P <sup>32</sup> / SE	SE <sup>2</sup>
Radio or television broadcasting station or tower.	SE	SE <sup>2</sup>	SE <sup>2</sup>	SE	SE	
Railroad track.	P	P	P	P	P	
Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room. <sup>27</sup>	P	P		P		P
Telephone or telegraph line.	P	P	P	P	P	P
<b>(g) Commercial:<sup>2</sup></b>						
Antique shop.	SE	SE	SE	SE	P	SE
Auction facility. <sup>12</sup>				SE	P	
Farm machinery: sales, storage, or service.		SE	SE	SE	P	
Farm supply: sales, storage, or service.		SE	SE	SE	P	
Transitory use. <sup>26</sup>	P/SE	P/SE		P/SE		P/SE

	<b>Rural</b>	<b>RC</b>	<b>LDRC</b>	<b>RDT</b>	<b>RS</b>	<b>RNC</b>
<b>(h) Services:</b> <sup>2</sup>						
Adult foster care home.	P	P	P	P	P	P
Ambulance or rescue squad, publicly supported.	P	P	P	P	P	P
Animal boarding place.	SE	SE	SE	SE	SE	SE
Cemetery.	SE	SE	SE	SE	SE	SE
Charitable or philanthropic institution. <sup>19</sup>	SE	SE	SE	SE	SE	SE
Child day care facility:						
—Family day care home.	P	P		P	P	P
—Group day care home. <sup>34</sup>	P	P		P	P	P
—Child day care center.	SE	SE		SE	P	SE
Church, memorial garden, convent, monastery, and/or other place of worship.	P	P	P	P	P	P
Day care facility for more than 4 senior adults and persons with disabilities.	SE	SE	SE	SE	SE	SE
Day care facility for not more than 4 senior adults and persons with disabilities. <sup>14</sup>	P	P	P	P	P	P
Domiciliary care home for more than 16 residents. <sup>35</sup>	SE	SE	SE	SE	SE	SE
Educational institution, private.	SE	SE	SE	SE <sup>13</sup>	SE	SE

	<b>Rural</b>	<b>RC</b>	<b>LDRC</b>	<b>RDT</b>	<b>RS</b>	<b>RNC</b>
Family burial sites.	SE	SE	SE	SE		
Fire station, publicly supported.	P	P	P	P	P	P
Funeral parlor or undertaking establishment				SE <sup>40</sup>		
Home health practitioner's office.	P <sup>22</sup> / SE <sup>21</sup>	P <sup>22</sup> / SE <sup>21</sup>	P <sup>22</sup> / SE <sup>21</sup>	P <sup>22</sup> / SE <sup>21</sup>	P <sup>22</sup> / SE <sup>21</sup>	P <sup>22</sup> / SE <sup>21</sup>
Home occupation, major. <sup>21</sup>	SE	SE	SE	SE	SE	SE
Home occupation, registered. <sup>22</sup>	P	P	P	P	P	P
Home occupation, no impact. <sup>23</sup>	P	P	P	P	P	P
Hospice care facility.	SE	SE	SE	SE	SE	SE
Hospital, veterinary.	SE	SE	SE	SE	SE	SE
Nursing home. <sup>35</sup>	SE	SE			SE	SE
Offices, general. <sup>29</sup>					SE	
Publicly owned or publicly operated use.	P	P	P	P	P	P
Respite care home.	P	P	P	P	P	P
Sanitarium.	SE	SE	SE	SE	SE	SE
<b>(i) Cultural, Entertainment and Recreational:</b>						
Boathouse, private.	P	P	P	P	P	

	<b>Rural</b>	<b>RC</b>	<b>LDRC</b>	<b>RDT</b>	<b>RS</b>	<b>RNC</b>
Campground.	SE					
Country club.	SE	SE	SE			
Golf course.	SE	SE	SE	SE <sup>25</sup>		
Hunting or fishing cabin, private. <sup>16</sup>	P	P	P	P		
Kennel, noncommercial.	P	P	P	P	P	P
Libraries and museums. <sup>30</sup>		P				P <sup>2</sup>
Private club or service organization.	SE	SE	SE	SE	SE	SE <sup>2</sup>
Recreational or entertainment establishment, or commercial.	SE				SE	
Riding stable, private. <sup>17</sup>						P
Rifle, pistol, or skeet shooting range, outdoor.	SE	SE <sup>2</sup>	SE <sup>2</sup>	SE	SE	
Swimming pool, community.	SE	SE	SE			SE <sup>2</sup>
Swimming pool, private. <sup>16</sup>	P	P	P	P	P	P
Theater, legitimate.	SE				SE	
<b>(j) Miscellaneous:</b>						
Accessory buildings and uses.	P	P	P	P	P	P
Signs, in accordance with the provisions of Article 59-F.	P	P	P	P	P	P

	<b>Rural</b>	<b>RC</b>	<b>LDRC</b>	<b>RDT</b>	<b>RS</b>	<b>RNC</b>
Wildlife or game preserve, regulated shooting ground licensed by the Maryland Wildlife Administration, and other conservation areas.	P	P	P	P	P	

35

36 1 Products of agriculture and agricultural processing may be sold from a farm if the products are produced on site.  
37 The sale from a farm of horticultural products grown primarily on site or, if grown off-site, are planted in the ground  
38 or in pots or beds for a period of time on not more than 2 acres or 20% of the site, whichever is less, is an accessory  
39 use to the farm.

40 2 This use or class of uses is not permitted in the portion of a rural cluster development regulated by section 59-C-  
41 9.52 or in the rural open space as regulated by section 59-C-9.57, except as noted in those sections.

42 3 The delivery and installation of horticultural products grown on the farm that provides the delivery and  
43 installation service is an accessory use to the farm. A landscape contractor or wholesale nursery in operation on  
44 October 22, 1985, is a conforming use and is not required to obtain a special exception, unless:

45 (a) The on-site operation is expanded or enlarged;

46 (b) The on-site operation is diversified to include retail facilities or a related use not in operation prior to  
47 October 22, 1985; or

48 (c) The operation is discontinued for a period of 6 months or more. A period of seasonal inactivity of up to 4  
49 months does not constitute discontinuance.

50 4 A farrier whose operation is limited to shoeing horses or other equines is not a commercial blacksmith.

51 5 The sale and display area must be located at least 25 feet from the paved edge of the roadway. There must be at  
52 least 3 off-street parking spaces. Firewood sold at a farm market must be cut and split on the farm or location where  
53 the wood is harvested.

54 6 Not permitted in a mobile home.

55 7 As a special exception regulated by divisions 59-G-1 and 59-G-2, such a dwelling unit is excluded from the  
56 density calculations set forth in sections 59-C-9.41, title "Density in RDT Zone," and 59-C-9.6, title "Transfer of  
57 Density-Option in RDT Zone." Once the property is subdivided, such a dwelling would no longer comply with the  
58 special exception regulations or with this exclusion. A special exception is not required for a dwelling that was a  
59 farm tenant dwelling in existence prior to June 1, 1958, provided, that the dwelling meets all applicable health and  
60 safety regulations.

61 8 A farm tenant dwelling, farm tenant mobile home, or guest house, as defined in section 59-A-2.1, title  
62 "Definitions," is excluded from the density calculations set forth in sections 59-C-9.41, title "Density in RDT Zone,"  
63 and 59-C-9.6, title "Transfer of Density-Optional in RDT Zone," provided that these uses remain accessory to a  
64 farm. Once the property is subdivided, such dwellings would no longer comply with these definitions or with this  
65 exclusion. A farm tenant dwelling in existence prior to June 1, 1958, may be rented to a non-farm family without  
66 obtaining a special exception as an accessory dwelling, provided that the dwelling meets all applicable health and  
67 safety regulations.

9 Provided that such a dwelling has minimum dimensions of 24 feet by 40 feet, a gable roof, and is permanently affixed to a foundation supporting the load-bearing framework of the mobile home and a foundation wall enclosing its entire perimeter, in compliance with the provisions of chapter 8 of this Code. Such a mobile home must have its wheels, axles, transportation light and removable towing apparatus removed.

10 Except as provided in sections 59-A-6.9 and 59-G-2.10.1.

11 Provided it is a private helistop associated with a farm.

12 Merchandise restricted as stated in section 59-G-2.05.1.

13 Limited to individual or small class instruction provided within a dwelling or an accessory use, such as a swimming pool, by a resident of the dwelling. However, a private educational institution for persons with disabilities may be established subject to the special exception requirements of section 59-G-2.19, and provided (1) the site was previously used to provide educational services to persons with disabilities, (2) no more than 75 students are enrolled at any one time, (3) enrolled students are not boarded, and (4) improvements exist on the property (as of July 21, 2003) to accommodate the school's educational programs. A residence may be provided on site for use by a caretaker. Educational services to persons without disabilities are limited to enrichment activities related to providing educational services to persons with disabilities. A private educational institution lawfully existing prior to January 6, 1981, when the Rural Density Transfer Zone sectional map amendment was enacted is a conforming use, and may be extended, enlarged or modified by special exception subject to the provisions of section 59-G-2.19, "Educational Institutions, Private."

14 As defined under "Day Care Facility for Senior Adults and Persons with Disabilities."

15 Subject to the special exception standards for a group home, section 59-G-2.26.

16 For use of the property owner and nonpaying guests only.

17 Reserved.

18 Not permitted in an accessory dwelling, farm tenant dwelling or mobile home. The owner must maintain a record of transient visitors and register the lodging with the Department. Minimum lot size for a lodging with more than 3 guest rooms is 2 acres.

19 Provided the special exception is for re-use of an existing building and has a maximum lot size of 2 acres.

20 In accordance with Executive Regulations and subject to the requirements enumerated in section 59-A- 6.10.

21 In accordance with section 59-G-2.29, title "Home Occupation, Major." A professional office for a resident of a dwelling for which a use-and-occupancy permit was issued prior to February 5, 1990, may be continued as a nonconforming use, as provided in division 59-G-4. Alternatively, an existing resident professional may register a home occupation or home health practitioner's office, in accordance with sections 59-A-3.4 and 59-A-6.1, or apply for a special exception, in accordance with section 59-G-2.29.

22 In accordance with sections 59-A-3.4 and 59-A-6.1.

23 There must be no more than 5 visits per week, no nonresident employees and no discernible adverse impact on the neighborhood.

24 Reserved.

- 104 25 If an application was filed with the Board of Appeals prior to June 16, 1992. Any golf course approved by the  
105 Board of Appeals is not a non-conforming use and may be modified in accordance with Sec. 59-G-2.241.
- 106 26 In accordance with Section 59-A-6.13.
- 107 27 Refer to Sec. 59-A-6.14.
- 108 28 Valid only for uses existing as of the date of placement in the zone or on a parcel adjoining I-1 zoned property  
109 devoted to a similar use at the time of placement in the zone. Expansion on such a parcel adjoining I-1 zoned  
110 property shall require that the entire site is covered by site plan review for both properties.
- 111 29 For existing residential structures as of the date of placement in the zone and in accordance with the special  
112 exception requirements of Section 59-G-2.38.1.
- 113 30 Whenever main and accessory structures exceed an aggregate floor area of 5,000 square feet, development will  
114 be subject to site plan review under Division 59-D-3. All properties designated as resources in the Master Plan for  
115 Historic Preservation are excluded from the site plan review requirement.
- 116 31 May be permitted in an accessory building designated as historic on the Master Plan for Historic Preservation.
- 117 32 A freestanding monopole for a telecommunication facility is a permitted use if the height does not exceed the  
118 building height of the zone and the monopole is set back one foot for every foot of height from the property line.
- 119 33 A freestanding monopole for a telecommunication facility is a permitted use up to 199 feet in height within an  
120 overhead transmission line right-of-way but must not be closer than 300 feet to any residence.
- 121 34 Not to be located in a townhouse unit or an attached unit.
- 122 35 Subject to the special exception standards for a Nursing Home; and Domiciliary Care Home, section 59-G-  
123 2.37.
- 124 36 Permitted by right as an accessory use to a farm.
- 125 37 A milk plant and a milk parlor are permitted by right as an accessory use to a farm.
- 126 38 Permitted by right provided no more than two public events are held per year.
- 127 39 Parking of motor vehicles is permitted in an historic district in accordance with the provisions of Sec. 59-A-  
128 6.22.
- 129 40 If operated in conjunction with a cemetery established by special exception before (ZTA effective date)  
130 [August 20, 2001].
- 131 41 Any riding stable, including buildings, show rings, paddocks, activities and events established in an  
132 agricultural zone before April 5, 2004 is a conforming use and may be modified, reconstructed, or enlarged in  
133 accordance with the standards in effect after April 5, 2004 except that any riding stable existing before April 5, 2004  
134 must be in compliance with the nutrient management, water quality, and soil conservation standards of 59-C-9.31(c)  
135 no later than March 2, 2005.
- 136 42 Only for workers actively engaged on a full-time or part-time basis in managing or maintaining a lawful  
137 agricultural use that is under the control of the owner or operator of property on which the accessory dwelling is  
138 located. An accessory dwelling for use by agricultural workers is permitted in addition to a main dwelling.

**59-C-9.5. Cluster development--Option in Rural Cluster zone and Low Density Rural Cluster zone.**

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**59-C-9.57. Special regulations for development in the Rural Neighborhood Cluster zone.**

**59-C-9.571. Purpose.**

The cluster method of development [required in this zone] is intended to preserve large areas of contiguous rural open space, consistent with the recommendations and guidelines of the applicable master or sector plan. [[The preserved open space is to be classified as rural open space, which is defined as managed land as described in Section 59-C-9.573(g)(3) or as unmanaged land, which is defined as land returning to its natural state without human intervention. Contiguous rural open space shares an extended boundary with a residential cluster neighborhood. The open space may preserve sensitive natural resources, other sensitive areas and associated habitat.]] Cluster development is required under [either] both the standard [method of development or the] and optional methods of development. Cluster development requires the setting aside of rural open space.

**59-C-9.572. Rural Open Space**

Rural open space is land that is managed, as described in Section 59-C-9.574(g)(3), or is unmanaged, which means that it is returning to its natural state without human intervention. Contiguous rural open space shares an extended boundary with a residential cluster neighborhood. The open space may preserve sensitive natural resources, other sensitive areas and associated habitat.

[[Rural open space may be used for limited and passive recreation, such as hiking or biking trails.]] Recreational facilities in the rural open space are limited to trails



and related amenities or other facilities recommended in the master plan. The following classes of uses are not permitted in the rural open space area. The exceptions noted in subsections (d) and (f) are not excluded from this area; they are permitted by right or special exception, as stated in Section 59-C-9.3:

- (a) Agricultural-industrial;
- (b) Agricultural-commercial;
- (c) Resource production and extraction;
- (d) Residential, with the following exceptions:
  - a one-family detached dwelling located on a lot, 10 acres or greater in size, that contributes to the overall total of rural open space;
  - accessory apartment that is part of a one-family detached dwelling located on a lot, 10 acres or greater in size, that contributes to the overall total of rural open space;
  - a farm tenant dwelling in existence prior to application of the Rural Neighborhood Cluster zone, or a structure converted to a farm tenant dwelling included as part of a historic site designated in the Historic Master Plan;
- (e) Commercial; and
- (f) Services, except a home occupation associated with an otherwise permitted residential use.

**59-C-9.57[[2]]3. Standard method of development.**

- (a) The density under the standard method of development must not exceed one dwelling per 5 acres of gross tract area.

- (b) In the Rural Neighborhood Cluster zone, rural open space is defined as land contiguous to the periphery of the residential portion of a rural neighborhood which is subject to an instrument assuring its preservation as permanent open space.
- (c) The following guidelines are in addition to those provided in section 50-39 of the subdivision regulations and apply to all cluster development in this zone:
- (1) The development must be clustered so as to maximize that portion of the tract appropriate for open space, farming or other permissible uses listed in section 59-C-9.52, above.
  - (2) The cluster development must be designed so as to remain as harmonious as possible with the natural environment, minimizing as much as possible the clearing of trees, grading of earth, disturbing of streams, and other similar dislocations of the natural environment.
  - (3) Rural open space: A minimum of 60 percent of the property must be reserved for contiguous rural open space, [which must be a contiguous area and be] consistent with the recommendations and guidelines set forth in the applicable master or sector plan. All land in the rural open space area must be preserved in perpetuity, either by dedication as parkland or by application of an easement or covenant in a recordable form approved by the Planning Board. The rural open space may be recorded as either:
    - (A) A parcel for common open space;
    - (B) An outlot; or

(C) An open space easement on a residential lot, provided that the area is clearly delineated and its reservation as open space is clearly stated on the record plat in the land records of Montgomery County.

(4) No development under the standard method is to be served by public sewer and water unless recommended in the relevant master plan.

**59-C-9.57[[3]]4. Optional method of development.**

The density of development under the optional method must not exceed one dwelling unit per gross acre. The density must conform to the recommendations and guidelines of the applicable master or sector plan. In such cases, the following development standards apply:

- (a) Minimum area of development: 10 acres, except that the Planning Board may waive this requirement where the property abuts an existing property developed under the provisions of this section, and the resulting development is a logical extension of the existing development.
- (b) Diversity of Lot Sizes: Under the optional method, a diversity of lot sizes is required for all developments\_ [of 70 acres or more. Diversity of lot sizes is also encouraged in developments of less than 70 acres in order to provide for a range of housing opportunities. Where diversity of lots is provided, t] The Planning Board must evaluate the range of lot sizes provided and insure that a proposed development is compatible [consider the compatibility of the proposed development]

with existing development on adjoining properties and consistent with the purpose and intent of the zone.

(c) Diversity of House Sizes: The Planning Board should encourage diversity of house sizes where such diversity would be consistent with neighboring communities.

[(c)] (d) Development standards: The requirements of section 59-C-9.42 do not apply:

(i) Minimum lot area-4,000 sq. ft.

(ii) Minimum setback from the street-15 feet.

(iii) Yard requirements (in feet). A side yard, if provided, must be at least 8 feet. For a side or rear yard that abuts a lot that is not developed under the optional method of this section, the setback must be at least equal to that required for the abutting lot, provided that no rear yard is less than 30 feet.

(iv) Minimum lot width at the existing or proposed street line-25 feet.

(v) Maximum building height-35 feet.

(vi) Maximum lot coverage-35 percent.

(vii) The rear and side yard setbacks for accessory structures should be consistent with the requirements in the R-60 Zone, 5 feet for rear and side yard setbacks and 60 feet from the street.

[(d)] (e) Common open space: Common open space within the residential neighborhood is required for all development of 10 dwellings or

more. Such open space, if provided, must not be applied towards the rural open space requirement. If provided, common open space should be configured with the following guidelines:

- Common open space is intended for common use by the residents of the neighborhood and may be either located in a central position in the neighborhood bordered by streets and/or building lots; or configured as an open space bordered by streets on all sides and generally intended for a smaller neighborhood. The common open space may contain surface features such as storm water management facilities or limited parking areas.

~~[[e)]~~ (f) Lots fronting on private streets. Within the Rural Neighborhood Cluster zone lots may front on a private street if the Planning Board finds, as part of the cluster subdivision plan approval, that the private street:

- (1) provides safe and adequate access;
- (2) has sufficient width to accommodate the dwelling units proposed;
- (3) will better advance the goal of preserving rural open space and the rural character than would a public road;
- (4) has proper drainage.

Each private road must comply with the requirements of subsection 59-C-7.234 of the zoning ordinance and section 50-25(h) of the subdivision regulations pertaining to private roads.

~~[(f)]~~ (g) Lots developed under the optional method must be connected to a community water and sewerage system, unless it can be demonstrated ~~[[that]]~~ at the time of subdivision that a limited number of lots on a private well and septic facility within the cluster will provide a more beneficial subdivision design because of environmental or compatibility reasons.

~~[(g)]~~ (h) Rural open space design guidelines.

(1) Rural open space should be a contiguous area and be located and designed to:

(A) Protect rural features and other sensitive areas identified in the applicable master or sector plan;

(B) Maximize common boundaries with rural open space on adjacent tracts where recommended in the applicable master or sector plan, or as otherwise required by the Planning Board.

(2) Rural open space must comprise a sizeable contiguous area, must be within a range of 65 percent to 85 percent of the tract area and must be consistent with the recommendations and guidelines of the applicable master plan. When a property includes rights-of-way for roads classified as major highways or freeways, rural open space is calculated on the net tract area by deducting those rights-of-way from the gross area of the property. The Planning Board may approve a minor variation in the master plan-recommended rural open space if the Board

finds that the variation would retain both the quality and character of the open space as set forth in the guidelines of the master plan.

- (3) Rural open space may be managed and maintained but may be modified to improve its appearance, function or overall condition by using the following techniques:

(A) Reforestation

(B) Woodland management

(C) Meadow management

(D) Stream bank protection

(E) [[Stormwater management facilities that do not require man-made or hard surface structures and use]] N[[n]]on-structural stormwater best management practices as defined by the most recent edition of the Maryland Stormwater Design Manual adopted for use by Montgomery County.

= The Planning Board may, at its discretion, allow structural stormwater management facilities in the rural open space if the location and appearance of any facility is consistent with the general intent of the RNC zone, and with the policy and guidance of the relevant master plan for use of the open space.

(F) Wetlands management

(G) Agricultural Management

- (4) All land in the rural open space area must be preserved in perpetuity, either by dedication to [public use] parkland or by application of an easement or covenant in a recordable form approved by the Planning Board. The easement or covenant must restrict uses in the rural open space to those set forth in this zone, establish procedures for the management of natural or agricultural features as set forth in the approved site plan and prohibit any further development or subdivision within the rural open space area.

A developed lot intended to provide any portion of the rural open space requirement must be a minimum of 10 acres, and a substantial majority of the lot must be encumbered by the instrument regulating the rural open space.

**59-C-9.57[[4]]5. Off-street parking.**

Parking must be provided in accordance with the provisions of Division 59-E except as follows: All parking must be located on the same lot as the use with which it is associated.

**59-C-9.57[[5]]6. Site plan review.**

Site plan approval is required under the optional method of the Rural Neighborhood Zone as set forth in Division 59-D-3.



**Sec. 2. Effective date.** This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

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Mary A. Edgar, CMC  
Clerk of the Council